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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of
Human Rights, a non-governmental organization in consultative
status (category II)

The Secretary-General has received the following communication, which
is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[29 January 1992]

Violation of human rights in Guatemala

1. The International Federation of Human Rights and the Guatemalan Human Rights Commission, its affiliated organization in Guatemala, have decided to submit, once again, to the Commission on Human Rights of the United Nations, written documentation on the violations of human rights in Guatemala in view of the consistent pattern of such violations.
2. In connection with the rights to life, liberty and physical integrity, during the first year of the Government of Mr. Jorge Serrano Elias, 764 persons were extrajudicially executed. Of these, 84 had previously been disappeared detainees and 76 had been subjected to cruel, inhuman and degrading treatment; 83 Guatemalans disappeared during the same period and are still missing to

date; more than 540 persons, most of them members of popular organizations and organizations for the defence of human rights, received death threats, and attempts were made against the lives of 265 persons.

3. The systematic violations of human rights are keeping the population of Guatemala in a state of fear and insecurity, a situation which is even worse in the rural areas, where civil patrollers, military commissioners and soldiers commit acts of intimidation and abuses of power which prevent the enjoyment of other civil and political rights, such as the right to free association, for example.

4. Another fundamental right, the right to justice, is not respected either, since impunity continues to exist despite government statements announcing the punishment of the persons responsible for violations. As a result of economic and political pressure, investigations have begun into some relevant cases such as the extrajudicial executions of the anthropologist, Myrna Mack Chang (September 1990) and of the United States citizen Michael Devine (June 1990); the case of the illegal detention and torture of the United States nun, Diana Ortiz, and the massacre of 13 peasants in Santiago Atitlán, Department of Solola. The relatives of the victims of the repression have opened thousands of cases in the courts in all parts of the country without, however, the investigations being successful and leading to the prosecution of those responsible for acts violating human rights.

5. The peasantry, the religious sector, progressive political organizations, the communications media, groups defending human rights and the trade unions have been particularly affected by this situation. Thus, the extrajudicial executions of the Marist Brother, Moises Cisneros, and of the head of the pastoral social organization of the diocese of El Quiche, Julio Quevedo, and the attempted abduction of two nuns of the order of the Dominican Sisters of the Annunciation, clearly demonstrate the threats against the members of the religious orders which, because of their decision to give preference to the poor, are working very hard to help the dispossessed sectors.

6. In May 1991, an intensive campaign of intimidation was launched against the communications media: the planting of a very powerful bomb, which fortunately did not explode, in the building where most of the international news agencies have their offices, the raid on NOTIMEX, the intimidation of correspondents of the International Press Service, the anonymous telephone calls to the Guatemalan journalists of the newspapers La Hora, Prensa Libre and El Gráfico and the threats made against the radio journal, Guatemala Flash, constitute clear violations of the right of free expression, as specifically provided for in article 19 of the Universal Declaration of Human Rights.

7. Members of the Mutual Support Group of Relatives of Disappeared Persons (GAM), the National Coordinating Committee of Guatemalan Widows (CONAVIGUA), the Ethnic Communities Council "Runujel Junam" (CERJ) and the Peasant Unity Committee, in both urban and rural areas, continue to receive serious death threats, some of which have been carried out. The pretext for the threats is the supposed link between these organizations defending the interests of the poor and human rights and the Guatemalan National Revolutionary United Front (UNRG).

8. The persons engaging in violations of human rights continue to be members of the Guatemalan Army, members of the Civilian Self-Defence Patrols, under the control of the Army, military commissioners and members of the National Police and members of the clandestine repression apparatus (the so-called "death squads").

9. As for economic and social rights, Guatemala is in the worst crisis of its history. Poverty and extreme poverty, malnutrition and infant mortality, unemployment and underemployment, the housing deficit, illiteracy and the lack of health services affect the great majority of the population, but particularly the indigenous section.

10. In the context of the armed conflict of a non-international nature, initiated more than 30 years ago, the armed forces are still committing grave violations of international humanitarian law against the non-combatant civilian population, particularly in the departments where this conflict is acute (which are virtually all the departments of the Altiplano, in which most of the population lives). Through our affiliate, the Guatemalan Human Rights Commission, we have received reports of systematic bombing and machine-gunning in El Quiché Department of the internally displaced population, known as Comunidades de Población en Resistencia, as evidenced also by the independent Expert appointed by the Commission on Human Rights, Mr. Christian Tomuschat, who witnessed one of the bombing raids when he visited these communities in October 1991.

11. Despite the fact that the Guatemalan Government and Army have sat down at the negotiating table with the URNG to seek a political solution to the internal armed conflict, a fact that in itself constitutes recognition of the existence of the URNG and thus of the necessity to respect the standards laid down in the Geneva Conventions, the Government and the Army continue to deny this.

12. Two other facts also demonstrate the flagrant violation of the human rights of the Guatemalan population: the membership of and enforced incorporation into the so-called Civilian Self-Defence Patrols, organizations by which the Army controls the population, and discriminatory military conscription, both of which have a particular impact on indigenous men. Membership of these civilian patrols not only involves infringement of civil and political rights, but also has consequences for the rural family: the patrollers have to carry out unpaid work for the benefit of the military detachments, using time which could otherwise be employed for the agricultural work on which their survival depends. On the other hand, the Army has forced patrollers to become involved in violations of human rights, thus completely destroying their links with the community.

13. Military service is compulsory in Guatemala. However, conscription takes place only among the indigenous people and in a way which, in practice, constitutes kidnapping: young men are tracked down and detained by soldiers at traditional fiestas or on market days or are taken from buses without their relatives knowing what has happened to them or to what detachment they have been taken.

14. As mentioned above, negotiations have been taking place since April 1991 between the Guatemalan Government and Army and the Guatemalan National Revolutionary United Front to seek a solution to the internal armed conflict. The negotiations have encountered a major stumbling-block, precisely with respect to human rights, because of Government inflexibility. This proves the lack of political will to put an end immediately and effectively to the violations of human rights and to the impunity with which these have historically been carried out, as demanded not only by URNG but also by the great majority of Guatemalans, and to this the international community cannot remain indifferent.

15. At its 1991 session, the Commission on Human Rights once again gave a vote of confidence to the then newly-elected Government of Mr. Jorge Serrano Elías. Various Governments and non-governmental organizations expressed their disagreement with that decision. The International Federation of Human Rights now confirms that, as it indicated last year, the new Government was not worthy of such confidence. The factual information which it received throughout 1991 confirms that, in Guatemala, not only has a consistent pattern of gross violations of human rights continued, but the situation has even deteriorated. For the very credibility of the Commission on Human Rights of the United Nations, on whose support so many peoples rely for the minimum respect of their rights, and the credibility of the advisory services in the field of human rights, the Federation is of the opinion that the situation in Guatemala should be considered under agenda item 12 and that the Guatemalan Government and Army should be required to continue, with all seriousness and political will, the negotiations for a political solution to the internal armed conflict with the participation of all the sectors which, for several decades, have been demanding respect for human rights.
